

## **REMARKS**

### ***Status of the Claims***

Claims 1, 2, 4-12, 14-19, 29, and 30-59 are pending. Claims 1, 2, 12, 14, 16, 17, 19, and 30-37 are amended. Claims 38-59 are added. Claims 3, 13, 20-23, and 25-27 are canceled herein without prejudice or disclaimer. Support for the amendments may be found throughout the application as filed.<sup>1</sup> No new matter is added.

### ***Withdrawn Objections and Rejections***

Applicants greatly appreciate the Examiner's withdrawal of the objections to the specification and the rejections under 35 U.S.C. §§ 112 and 102, and the double patenting rejection.<sup>2</sup>

### ***Allowable Subject Matter***

Applicants also greatly appreciate the Examiner's indication that claims 2, 3, and 30-37 are allowable.<sup>3</sup>

### ***Claim Amendments***

Claims 1 and 12 have been amended to incorporate allowable subject matter from claim 3. Claim 2 has been rewritten into an independent claim, new claims 38-44 depend directly or indirectly from claim 2, and new claims 57-59 incorporate allowable subject matter from claim 2. Claim 16 has been amended to recite that the OK1 protein has "an amino acid sequence with at least 95% identity to SEQ ID NO: 4"—allowable subject matter recited in claim 2. Claims 17 and 19 have been amended to depend from claim 16. Claim 30 has been rewritten into an independent claim. Claim 31 and new claims 46-56 depend directly or indirectly from claim 30. Claims 32 and 34 have been rewritten into independent claims. Claims 33 and 35 depend from claims 32 and 34, respectively. Accordingly, the pending claims all depend from an allowable claim or incorporate allowable subject matter.

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<sup>1</sup> See, e.g., Specification, ¶¶ [0063], [0098], [0123]-[0165], [0173], [0176], [0177], [0181]-[0188], and [0233]. These paragraph numbers refer to those set forth in US 2007/0163004, the publication of the instant application.

<sup>2</sup> See Office Action, pages 2, 6, and 7.

<sup>3</sup> See id. at page 7; see also Office Action Summary.

*Rejections Under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph*

Claims 1, 4-19, and 29 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement.<sup>4</sup>

Without acquiescing to the correctness of the rejection, Applicants have amended the claims to depend from an allowable claim or incorporate allowable subject matter. Accordingly, Applicants respectfully submit this rejection is moot.

**CONCLUSION**

Applicants respectfully submit that the present application is in condition for examination. Early and favorable action by the Examiner is earnestly solicited.

If the Examiner has any questions relating to this response, or the application in general, he is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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<sup>4</sup> See Office Action, pages 3-6.